

RESPONSE

Serial No. 08/454,529
Atty. Docket No. GP004-16.DV4

Claims 486-491, 496, 497, 500, 501, 508, 509, 530, 531, 539, 540, 543, 544, 559 and 560 stand provisionally rejected by the Examiner as being unpatentable under the judicially created doctrine of obviousness-type double patenting in view of claims 330-337 and 386-399 of co-pending application Serial No. 08/255,990. As this is a provisional rejection, and the claims of the instant application are otherwise believed to be in condition for allowance, withdrawal of this rejection is respectfully requested. *See* MPEP § 804 at 800-15 (7th ed., Rev. 1, Feb. 2000) (“If the ‘provisional’ double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, . . .”).

Claims 609, 610 and 623-628 stand objected to by the Examiner as being dependent upon a rejected base claim. Applicants submit that this objection is rendered moot by the Terminal Disclaimer filed herewith. Accordingly, withdrawal of this objection is respectfully requested.

Conclusion

Applicants submit that the subject application is in condition for allowance and Notice to that effect is respectfully requested.

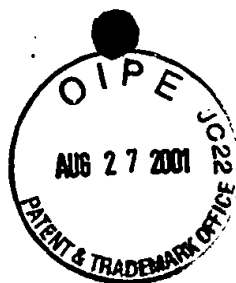
Accompanying this Response is a Petition for Extension of Time (one month). Please charge the extension of time fee, and any other fees which may be due in connection with this Response, to Deposit Account 07-0835.

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I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

Date: August 23, 2001

By:

A handwritten signature in cursive script, appearing to read "Charles B. Cappellari", written over a horizontal line.

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